

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK


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	:	
UNITED STATES OF AMERICA	:	
	:	
-v-	:	21-CR-300 (JMF)
	:	
CESAR ABREU,	:	<u>ORDER</u>
	:	
Defendant.	:	
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JESSE M. FURMAN, United States District Judge:

Attached to this Order is a copy of the jury questionnaire used during voir dire on May 16, 2022.

SO ORDERED.

Dated: May 18, 2022  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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-v-	:	S1 21 Cr. 300 (JMF)
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CESAR ABREU,	:	<u>VOIR DIRE</u>
	:	
Defendant.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

**PLEASE DO NOT READ FURTHER OR WRITE ANYTHING ON**  
**THIS QUESTIONNAIRE UNTIL THE JUDGE TELLS YOU TO DO SO**

When directed to do so, please indicate if your answer to any of the following questions is “yes” by circling the number of that question. If your answer to a question is “no,” you should not do anything. Do *not* write your name or make *any other* marks on the questionnaire; the only marks you should make are circles around the questions for which the answer is “yes.” If, when asked about a “yes” answer, you prefer not to elaborate in open court, please say so.

A. General Questions

1. As I noted, this trial is expected to last up to one week. Do you have any commitments that would interfere with your serving as a juror at a trial that is expected to end, at the latest, early next week?

2. Do you have any difficulty understanding or reading English?

3. Do you have any ideas or prejudices that would make it difficult for you to follow my instructions as to the law?

4. Do you have any doubt that you will be able to apply the law as I explain it even if you disagree with it?

5. In our criminal justice system, the defendant is presumed to be innocent, not only at the outset of the trial, but throughout the entire trial — unless and until the Government proves his guilt beyond a reasonable doubt. Would you have any trouble following my instructions on these points?

6. Because the burden rests with the Government at all times, the defendant has no obligation to offer evidence or to testify in his own defense. If the defendant chooses not to testify, as is his absolute right, would you have any trouble following my instruction that you may not consider that fact in any way in your deliberations in the jury room?

7. Do you have any religious or ethical beliefs that would prevent you from passing judgment on another person?

8. Have you, or has any close friend or relative, ever studied or practiced law or worked in any capacity for a law office?

9. Have you, or has any close friend or relative, ever worked for any law enforcement agency, such as the New York City Police Department, the Department of Corrections, the Federal Bureau of Investigation (also known as the “FBI”), the Drug Enforcement Administration (also known as the “DEA”), the Bureau of Alcohol, Tobacco, Firearms and Explosives (also known as the “ATF”), the United States Marshals Service, the District Attorney, the United States Attorney, the Department of Justice, Probation or Parole, the Bureau of Prisons, or any other such agency?

10. Do you know or do you have an association with any member of the staff of the United States Attorney’s Office for the Southern District of New York?

11. Do you have any bias or prejudice for or against the United States Attorney’s Office or any other law enforcement agency?

12. Have you, or has any member of your family, either as an individual or in the course of business, ever been involved in any legal action or dispute with the United States or any of the offices, departments, agencies, or employees of the United States, or had any interest in any such legal action or dispute or its outcome?

13. Do you, or do any of your relatives or close friends, work for a criminal defense attorney or private investigator?

14. Do you have any bias or prejudice for or against criminal defense attorneys?

15. Do you have any expectations about the type or types of evidence that the Government should or will present in criminal trials?

B. Case-Specific Questions

16. Do you have any personal knowledge of this case or have you heard or read anything about the charges as I have described them?

17. The government witnesses in this case may include law enforcement officers. Would you have any difficulty assessing the credibility of a law enforcement officer just like you would any other witness?

18. You also may hear testimony from expert witnesses. Have you had any experiences with expert witnesses, or do you have any general feelings about the use of expert witnesses, that would affect your ability to be fair and impartial in this case?

19. You might hear evidence in this trial of criminal activity committed by people other than Mr. Abreu. Those other people are not on trial here. You may not draw any inference, favorable or unfavorable, toward the government or Mr. Abreu from that fact. Nor may you speculate as to the reason why other people are not on trial. Would you have any trouble following my instructions on these points?

20. Some of the evidence in this trial may have been obtained through searches and seizures by law enforcement officers. Any such evidence that will be presented was lawfully obtained. Do you have any feelings or opinions about the use of evidence obtained in law enforcement searches and seizures that could make it difficult for you to evaluate the evidence fairly and impartially?

21. Some of the evidence in this trial may be presented in the form of recorded conversations and information from cellphones. Any such evidence that will be presented was lawfully obtained. Do you have any strong feelings about the use of such evidence that might make it difficult for you to be a fair and impartial juror in this case?

22. The Government is not required to use any particular investigative technique uncovering evidence of or prosecuting a crime. Would you have any trouble following my instructions on that score?

23. During the trial, you will hear evidence concerning illegal drugs — specifically, cocaine and fentanyl. Do you have any feelings, beliefs, or experiences relating to illegal drugs generally, or cocaine and fentanyl specifically, or to the enforcement of drug laws that would affect your ability to be fair and impartial in this case?

24. Do you believe that it should not be a crime for a person to possess or sell illegal drugs, including cocaine and fentanyl, or that the laws governing this crime should not be enforced?

25. Have you or has any member of your family ever lobbied, petitioned, or worked in any other manner for or against any laws or regulations relating to narcotics, including but not limited to cocaine and fentanyl?

26. Have you or has any member of your family ever been involved — as a defendant, victim, or in any other way — in a case involving illegal drugs?

27. Have you or any of your relatives, close friends, or associates ever been arrested for a drug crime?

28. The defendant in this case is Latino. Is there anything about that fact that may affect your ability to be a fair and impartial juror in this case?

29. The defendant will be assisted by Spanish-language interpreters. Is there anything about that fact that may affect your ability to be a fair and impartial juror in this case?

30. Is there anything about this case, or the charges as I have described them, that would affect your ability to be impartial in this case?

C. Knowledge of Parties, Lawyers, and Witnesses

31. The Government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York — who is Damian Williams. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Jacob Gutwillig and Andrew Rohrbach. They will be assisted at trial by Susan Ruiz, who is a Special Agent with the Department of Homeland Security, and by Jacqueline Hauck, who is a paralegal with the U.S. Attorney's Office. Do you know, or have you had any dealings with, any of them?

32. As I mentioned, the defendant in this case is Cesar Abreu. Mr. Abreu is represented by David Ruhnke from Ruhnke & Barrett, Attorneys at Law, who will be assisted at trial by Siminya Massias and Nelson Lassalle. Do you know, or have you had any dealings with, any of them?

33. To your knowledge, do you have any relatives, friends, associates, or employers who have had any dealings with the United States Attorney's Office for the Southern District of New York, the law firm Ruhnke & Barrett, Attorneys at Law, or Mr. Abreu?

34. Have you or your family members or close friends had any dealings either directly or indirectly with the United States Attorney's Office? The Department of Homeland Security? The Drug Enforcement Administration?

35. Do you know or have you heard of any of the following people who may testify or whose names may be mentioned during the course of the trial?

- a. Emily Abrams
- b. Hendri Chauca
- c. Christine Chiesa
- d. Brian Figueiredo
- e. William Farley
- f. Mark Filandro
- g. Mark Gabura
- h. Neviene Habeeb
- i. Katherine Hoese
- j. Danny Lee
- k. Adam Ondira
- l. Christopher Orozco
- m. Cesar Perez
- n. Andrew Petersohn
- o. Manuel Prado
- p. Hector Rodriguez
- q. David Rodriguez
- r. Michael Russo
- s. Frank Sarrica
- t. Solomon Schwimmer
- u. Randy Tavarez

36. Are you familiar with anyone else present in the courtroom, including your fellow jurors, all Court personnel, and myself?

37. Some of the evidence in this case may concern activity that took place at or near the following locations:

- a. Bridge Towers
- b. The George Units LLC
- c. 1365 Saint Nicholas Avenue
- d. 1370 Saint Nicholas Avenue

Do you have a familiarity with any of these locations that would interfere with your ability to be fair and impartial in this case and to decide the case based only on the evidence presented in court?



D. Experience with, and Opinions of, Lawsuits

38. If you or any member of your immediate family has ever brought a lawsuit against anyone or been sued, would that experience affect your ability to be fair and impartial in this case?

39. Have you or any member of your immediate family ever appeared as a witness at a trial?

40. Have you or any of your close friends or relatives ever been involved, been questioned, or appeared as a witness in any investigation, including any investigation by a federal or state grand jury or a law enforcement agency?

41. Have you ever been a witness or a victim in any federal or state prosecution?

42. Have you or any of your close friends or relatives ever been the victim of a crime (other than one you have mentioned in connection with a previous question)?

43. Have you or any of your relatives, associates, or close friends ever been the subject of any investigation or accusation by any federal or state grand jury?

44. Have you or any member of your immediate family ever been a defendant in a criminal case or been incarcerated?

E. COVID-19

45. As I described earlier, the Court is taking precautions to prevent the spread of COVID-19, including requiring everyone in the courtroom (other than the witness and an examining attorney) to wear masks. Do you have any concerns about your ability to follow these rules, as I have described them?

46. Is there anything about COVID-19, or the safety protocols that we will use during the trial, that would affect your ability to be a fair and impartial juror in this case?

F. Difficulties in Understanding or Serving

47. Do you have any problem with your hearing or vision or any physical or medical issues (including any medication you may be taking) that would prevent you from giving your full attention to all of the evidence presented during this trial?

48. The question of punishment is for me alone to decide and the possible punishment must not enter into your deliberations as to whether the defendant is guilty or not guilty. Would you have any trouble following that instruction if you were selected to serve as a juror?

49. In these questions, I have tried to direct your attention to possible reasons why you might not be able to be fair and impartial in this case. Apart from any prior question I have asked you, is there *any* reason that you could *not* be a conscientious, fair, and impartial juror in this case and render a true and just verdict without fear, favor, sympathy, or prejudice, according to the law as I will explain it to you?

### QUESTIONS FOR INDIVIDUAL JURORS

1. Please state your name and every county of residence in which you have lived during the past five years.
2. How old are you?
3. How far did you go in school?
4. What do you do? (If retired or unemployed, describe your last employment.)
5. How long have you been employed in your current position? (If fewer than five years, where else did you work in the last five years?)
6. Do you live with anyone and, if so, what do they do?
7. Do you have grown children and, if so, what do they do?
8. If you are comfortable sharing, are you fully vaccinated? If yes, have you received a booster shot?
9. Where do you typically get your news? For example, what print newspaper, magazines, television shows, radio shows, podcasts, or internet/app news site(s) do you read, watch, or listen to on a regular basis?
10. Do you watch any shows dealing with the criminal justice system, such as investigative news programs like Dateline, 48 Hours, or 20/20, or police drama shows like Law and Order or CSI?
11. Do you belong to or volunteer your time to any associations, organizations, clubs, or unions?
12. What do you like to do in your spare time?
13. Have you ever served as a juror? If so, when did you serve and were you on a grand jury or a regular jury? If a regular jury, was it a civil or criminal case? Did you reach a verdict? **(Do not tell us what the verdict was.)**